VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS MEETING MINUTES

The Virginia Board for Asbestos, Lead, and Home Inspectors met on May 1, 2014, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 4, Richmond, Virginia 23233.

The following members of the Board were present:

Colleen Becker, Vice-Chair Keith Cronan, Chair Dolores Daniels Rick Holtz Brian Koepf Reginald Marston, III

Frederick Molter, IV Kenneth Nash Walter Nixon Peter Palmer D. Todd Vander Pol

Board members Suzanne Blevins and Phillip Fincher were not present at the meeting.

The following staff members were present for part or all of the meeting:

Jay DeBoer, Director Mark N. Courtney, Senior Director for Regulatory and Public Affairs Trisha L. Henshaw, Executive Director Thomas K. Perry, Board Administrator Samantha Vrscak, Legal Analyst Betty C. Jones, Administrative Assistant

Elizabeth Peay from the Office of the Attorney General was present.

Mr. Cronan, finding a quorum of the Board present, called the Call to Order meeting to order at 9:02 a.m.

Ms. Henshaw advised the Board of the emergency evacuation **Emergency** procedures.

Evacuation Procedures

Mr. Vander Pol moved to approve the revised agenda. Mr. Nixon Approval of Agenda seconded the motion which was unanimously approved by: Cronan, Daniels, Koepf, Marston, Molter, Nixon, Palmer, and Vander Pol. Board members Becker, Holtz, and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to lead-based paint renovation, repair, and painting (RRP) until the effective date of the regulations.

Ms. Henshaw announced that Jay DeBoer, who was Director of Introduction of

DPOR between 2006 and 2010, has been appointed as the new Director of DPOR and will be in attendance later in the meeting.

Director

Mr. Vander Pol moved that the Board approve the minutes of the February 6, 2014, Board meeting. Ms. Becker seconded the motion which was unanimously approved by: Cronan, Daniels, Koepf, Marston, Molter, Nixon, Palmer, and Vander Pol. Board members Becker, Holtz, and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

Approval of Minutes

Mr. Cronan opened the floor for public comment. No members of **Public Comment** the public present requested to speak.

<u>P</u>eriod

In the matter of File Number 2014-02136, Gary Tiller, the Board members reviewed the application file, which consisted of the exhibits, transcript, and the Presiding Officer's Summary and Recommendation. Mr. Thomas Nesbitt, attorney for Mr. Tiller, was present and addressed the Board. Mr. Nesbitt agreed with the recommendation and stated that Mr. Tiller has sincerely changed his outlook on life. Mr. Tiller was also present to answer any questions from the Board. After discussion, Mr. Vander Pol moved to accept the summary and recommendation of the Presiding Officer and approve Mr. Tiller's application for home inspector certification contingent upon obtaining documentation of current insurance required pursuant to 18 VAC 15-40-30.9. Ms. Becker seconded the motion which was unanimously approved by: Cronan, Daniels, Koepf, Marston, Molter, Nixon, Palmer, and Board members Becker, Holtz, and Nash were present but did not vote because, by statute, they are ineligible to

File Number 2014-02136, Gary Tiller

Mr. DeBoer arrived at the meeting and informed the Board it was Arrival of Director nice to be back at DPOR.

vote on matters unrelated to RRP until the effective date of the

regulations.

In the matter of File Number 2014-02187, Tyrone Fisher, the Board members reviewed the application file, which consisted of the exhibits, transcript, and the Presiding Officer's Summary and Recommendation. Mr. Fisher was present and addressed the Board. Mr. Fisher described his current status and asked the Board for a second chance. Mr. Nixon moved to accept the summary and recommendation of the Presiding Officer and approve Mr. Fisher's application for an asbestos supervisor license contingent upon Mr.

File Number 2014-02187, Tyrone Fisher

Fisher's submitting proof of his most recent refresher training course to the Board. Mr. Marston seconded the motion which was unanimously approved by: Cronan, Daniels, Koepf, Marston. Molter, Nixon, Palmer, and Vander Pol. Board members Becker, Holtz, and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

In the matter of File Number 2014-02186, Timothy Gabay, the Board members reviewed the application file, which consisted of the exhibits, transcript, and the Presiding Officer's Summary and Recommendation. Mr. Gabay was not present. Mr. Vander Pol moved to accept the summary and recommendation of the Presiding Officer and approve Mr. Gabay's application for home inspector certification. Mr. Koepf seconded the motion which was unanimously approved by: Cronan, Daniels, Koepf, Marston, Molter, Nixon, Palmer, and Vander Pol. Board members Becker, Holtz, and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

File Number 2014-02186, Timothy Gabay

In the matter of **File Number 2014-00960**, **Edward Durst**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Durst. Mr. Durst was not present. Mr. Vander Pol moved to accept the Consent Order which cites the following violation of the Board's regulations: 18 VAC 15-20-450.A.6 (Count 1). For this violation, Durst agrees to revocation of his license.

File Number 2014-00960, Edward Durst

Mr. Nixon seconded the motion which was unanimously approved by: Cronan, Daniels, Koepf, Marston, Molter, Nixon, Palmer, and Vander Pol. Board members Holtz and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations. As the reviewing Board member, Ms. Becker recused herself from the meeting and was not present during the discussion or vote.

Ms. Henshaw gave an update on the current status of the regulatory review processes for the Board's regulatory packages.

The proposed fee amendments to the Asbestos Licensing Regulations have completed executive branch review. The public comment period ended January 31, 2014. A public hearing was held on December 2, 2013.

Update on Regulatory Review Processes

The proposed fee amendments to the Lead-Based Paint Activities Regulations have completed executive branch review. The public comment period ended February 14, 2014. A public hearing was held on December 18, 2013.

The proposed fee amendments to the Certified Home Inspector Regulations have completed executive branch review. The public comment period ended January 17, 2014. A public hearing was held on December 2, 2013.

The proposed amendments to the Asbestos Licensing Regulations, Lead-Based Paint Activities Regulations, and the Certified Home Inspector Regulations made pursuant to the Governor's Regulatory Reform Initiative have completed executive branch review. The public comment period ended March 14, 2014. A public hearing was held on February 27, 2014.

The final Lead-Based Paint Activities Regulations (Lead Renewal Change) are currently undergoing review by the Governor's office.

The proposed amendment to the Certified Home Inspector Regulations removing the requirement that initial training courses have to be taken in a classroom setting have completed executive branch review. The public comment period ended March 14, 2014. A public hearing was held on February 27, 2014.

The proposed amendment to the Lead-Based Paint Activities Regulations removing the exam fee cap are currently undergoing review by the Governor's office.

The proposed amendment to the Lead-Based Paint Renovation, Repair, and Painting Program Regulations (Initial Promulgation) have been re-filed for executive branch review.

Ms. Henshaw stated there were no comments received during the public comment period on the Board's proposed amendments to the Asbestos Licensing Regulations (Fee Adjustment).

Regarding the fee adjustment to the Asbestos Licensing Regulations, Ms. Becker made a motion to adopt the amendments to the Asbestos Licensing Regulations as final regulations. Ms. Daniels seconded the motion which was unanimously approved by: Cronan, Daniels, Koepf, Marston, Molter, Nixon, Palmer, and Vander Pol. Board members Becker, Holtz, and Nash were present

Adopt Final
Asbestos Licensing
Regulations (Fee
Adjustment)

but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

Ms. Henshaw stated there were no comments received during the public comment period on the Board's proposed amendments to the Lead-Based Paint Activities Regulations (Fee Adjustment).

Regarding the fee adjustment to the Lead-Based Paint Activities Regulations, Mr. Nixon made a motion to adopt the amendments to the Lead-Based Paint Activities Regulations as final regulations. Ms. Becker seconded the motion which was unanimously approved by: Cronan, Daniels, Koepf, Marston, Molter, Nixon, Palmer, and Vander Pol. Board members Becker, Holtz, and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

Adopt Final
Certified Home
Inspector
Regulations (Fee

Adjustment)

Adopt Final Lead-

Regulations (Fee

Based Paint

Adjustment)

Activities

Ms. Henshaw stated there were no comments received during the public comment period on the Board's proposed amendments to the Certified Home Inspector Regulations (Fee Adjustment).

Regarding the fee adjustment to the Certified Home Inspector Regulations, Mr. Marston made a motion to adopt the amendments to the Certified Home Inspector Regulations as final regulations. Mr. Koepf seconded the motion which was unanimously approved by: Cronan, Daniels, Koepf, Marston, Molter, Nixon, Palmer, and Vander Pol. Board members Becker, Holtz, and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

Ms. Henshaw stated there were no comments received during the public comment period on the Board's proposed amendments to the Asbestos Licensing Regulations as part of the Governor's Regulatory Reform Initiative.

Regarding the regulatory action to the Asbestos Licensing Regulations pursuant to the Governor's Regulatory Reform Initiative, Ms. Becker made a motion to adopt the amendments to the Asbestos Licensing Regulations as part of the Governor's Regulatory Reform Initiative as final regulations. Mr. Molter seconded the motion which was unanimously approved by: Cronan, Daniels, Koepf, Marston, Molter, Nixon, Palmer, and Vander Pol. Board members Becker, Holtz, and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

Adopt Final
Asbestos Licensing
Regulations
Governor's
Regulatory Reform
Initiative

Ms. Henshaw stated there were no comments received during the public comment period on the Board's proposed amendments to the Lead-Based Paint Activities Regulations as part of the Governor's Regulatory Reform Initiative.

Regarding the regulatory action to the Lead-Based Paint Activities Regulations pursuant to the Governor's Regulatory Reform Initiative, Mr. Nixon made a motion to adopt the amendments to the Lead-Based Paint Activities Regulations as part of the Governor's Regulatory Reform Initiative as final regulations. Ms. Becker seconded the motion which was unanimously approved by: Cronan, Daniels, Koepf, Marston, Molter, Nixon, Palmer, and Vander Pol. Board members Becker, Holtz, and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

The Board members were provided a summary of the public comment received for the Certified Home Inspector Regulations as part of the Governor's Regulatory Reform Initiative, as well as a draft of the Board's response. One comment was received during the public comment period from January 13, 2014 to March 14, 2014. After review and discussion, Mr. Marston moved to adopt the draft response. Mr. Koepf seconded the motion which was unanimously approved by: Cronan, Daniels, Koepf, Marston, Molter, Nixon, Palmer, and Vander Pol. Board members Becker, Holtz, and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

Regarding the regulatory action to the Certified Home Inspector Regulations pursuant to the Governor's Regulatory Reform Initiative and after reviewing the proposed regulations pursuant to the comment received, Mr. Koepf made a motion to adopt the amendments to the Certified Home Inspector Regulations as part of the Governor's Regulatory Reform Initiative as final regulations. Mr. Marston seconded the motion which was unanimously approved by: Cronan, Daniels, Koepf, Marston, Molter, Nixon, Palmer, and Vander Pol. Board members Becker, Holtz, and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

Based Paint Activities Regulations Governor's Regulatory Reform Initiative

Adopt Final Lead-

Adopt Final Certified Home Inspector Regulations Governor's Regulatory Reform Initiative

The Board members were provided a summary of the public Adopt Final

comments received for the Certified Home Inspector Regulations to remove the requirement that initial training courses have to be taken in a classroom setting, as well as a draft of the Board's response for each comment. Three comments were received during the public comment period from January 13, 2014 to March 14, 2014. After review and discussion, Mr. Koepf moved to adopt the draft responses. Mr. Marston seconded the motion which was unanimously approved by: Cronan, Daniels, Koepf, Marston, Molter, Nixon, Palmer, and Vander Pol. Board members Becker, Holtz, and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

Certified Home Inspector Regulations (To remove the requirement that initial training courses have to be taken in a classroom setting)

Regarding the regulatory action to the Certified Home Inspector Regulations to remove the requirement that initial training courses have to be taken in a classroom setting and after reviewing the proposed regulations pursuant to comments received, Mr. Koepf made a motion to adopt an alternative language as suggested and amended by staff, and adopt the amendments to the Certified Home Inspector Regulations. The final regulations allow up to half of the required initial training course hours to be completed using distance and online education technology. Mr. Marston seconded the motion which was unanimously approved by: Cronan, Daniels, Koepf, Marston, Molter, Nixon, Palmer, and Vander Pol. Board members Becker, Holtz, and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

> Asbestos and Lead **Training Course Audits**

Mr. Perry provided a handout summarizing the asbestos and lead training course audits that have been conducted since the Board's last meeting. He conducted three course approval audits: one asbestos worker initial, one asbestos inspector initial, and one asbestos worker refresher. Six additional audits remain to be conducted from two different training providers.

> Update on 2014 **General Assembly** Session

Ms. Henshaw provided a handout of legislation affecting the Board for Asbestos, Lead, and Home Inspectors and/or its programs during the 2014 Virginia General Assembly session. Ms. Henshaw provided additional information on House Bill 179 and Senate Bill 299 and indicated that they would be continued to 2015 and are being considered by the Virginia Housing Commission.

Update on Certified

Mr. Perry provided an update concerning the certified home inspectors continuing professional education (CPE) audit. An audit Home Inspector

was conducted on April 1, 2014 of 21 randomly selected Certified CPE Audits Home Inspectors whose certificates expired between October 31, 2013 and March 31, 2014. This number equates to 25 percent of the certificates expiring during this six-month period. As of May 1, 2014, responses have been received from 14 regulants. Mr. Perry will provide an update at the next Board meeting.

After discussion, the Board considered the following 2015 Board Set 2015 Meeting meeting dates:

Dates

- February 5, 2015
- May 14, 2015
- August 6, 2015
- November 19, 2015

Mr. Vander Pol made a motion to adopt the 2015 Board meeting dates. Mr. Marston seconded the motion which was unanimously approved by: Cronan, Daniels, Koepf, Marston, Molter, Nixon. Palmer, and Vander Pol. Board members Becker, Holtz, and Nash were present but did not vote because, by statute, they are ineligible to vote on matters unrelated to RRP until the effective date of the regulations.

The following meeting dates have been scheduled:

Future Meeting Dates

- August 7, 2014
- November 6, 2014

Mr. Cronan requested that the Board members complete their Conflict of Interest conflict of interest forms and travel vouchers.

Forms and Travel Vouchers

There being no further business, the meeting adjourned at 9:57 a.m.

Adjourn

Keith F. Cronan, Chair

1.	Name:	Colleen Becker
2.	Title:	Board Member
3.	Agency:	Board for Asbestos, Lead, & Home Inspectors
4.	Meeting/IFF Date:	May 1, 2014
5.	I have a personal interest in the following transaction:	
	1	fected by Transaction:
		of the following business, profession, occupation or are affected by the transaction:
	 I am able to participate in interest. or 	n this transaction fairly, objectively, and in the public
	☐ I did not participate in the	e transaction.
6.	I do not have a personal in	nterested in any transactions taken at this meeting.
	Signature	5/1/14 Date

1.	Name:	Keith F. Cronan
2.	Title:	Board Member
3.	Agency:	Board for Asbestos, Lead, & Home Inspectors
4.	Meeting/IFF Date:	May 1, 2014
5.	I have a personal interest in the	ne following transaction:
	Nature of Personal Interest At	fected by Transaction:
		of the following business, profession, occupation or are affected by the transaction:
	☐ I am able to participate in interest.	n this transaction fairly, objectively, and in the public
	☐ I did not participate in the	e transaction.
6.7	I do not have a personal i	nterested in any transactions taken at this meeting.
	Hare 72	5/1/14
	Signature	Date

1.	Name:	Dolores C. Daniels	
2.	Title:	Board Member	
3.	Agency	Board for Asbestos, Lead, & Home Inspectors	
4.	Meeting/IFF Date:	May 1, 2014	
5.	I have a personal interest in the	ne following transaction:	
	Nature of Personal Interest Af	fected by Transaction:	
I declare that I am a member of the following business, profession group, the members of which are affected by the transaction:		· · · · · · · · · · · · · · · · · · ·	
	 I am able to participate in interest. 	n this transaction fairly, objectively, and in the public	
	☐ I did not participate in the	e transaction.	
3 .	(I do not have a personal in	nterested in any transactions taken at this meeting.	
	Noteres Chan Signature	May 1, 2014	

1.	Name:	Rick Holtz
2.	Title:	Board Member
3.	Agency:	Board for Asbestos, Lead, & Home Inspectors
4.	Meeting/IFF Date:	May 1, 2014
5.	I have a personal interest in the	ne following transaction:
	Nature of Personal Interest Af	ffected by Transaction:
		of the following business, profession, occupation or are affected by the transaction:
	 I am able to participate in interest. 	n this transaction fairly, objectively, and in the public
	☐ I did not participate in the	e transaction.
6.,	I do not have a personal i	nterested in any transactions taken at this meeting.
	Signature Signature	5(1)Ly Date

1.	Name:	Brian Koepf
2.	Title:	Board Member
3.	Agency:	Board for Asbestos, Lead, & Home Inspectors
4.	Meeting/IFF Date:	May 1, 2014
5.	I have a personal interest in the	ne following transaction:
		of the following business, profession, occupation or are affected by the transaction:
	 □ I am able to participate in interest. or □ I did not participate in the 	n this transaction fairly, objectively, and in the public e transaction.
6.	I do not have a personal i	nterested in any transactions taken at this meeting. $\frac{1}{2014}$ Date

1.	Name:	Reginald E. Marston, III
2.	Title:	Board Member
3.	Agency:	Board for Asbestos, Lead, & Home Inspectors
4.	Meeting/IFF Date:	May 1, 2014
5.	I have a personal interest in the	ne following transaction:
	Nature of Personal Interest Af	fected by Transaction:
I declare that I am a member of the following business, profession, occupation ogroup, the members of which are affected by the transaction:		
	I am able to participate in interest. or I did not participate in the	this transaction fairly, objectively, and in the public transaction.
6.	do not have a personal in the second of the	nterested in any transactions taken at this meeting. 5.1.2014 Date

1.	Name:	Frederick Molter IV
2.	Title:	Board Member
3.	Agency:	Board for Asbestos, Lead, & Home Inspectors
4.	Meeting/IFF Date:	May 1, 2014
5 .	I have a personal interest in the	ne following transaction:
	Nature of Personal Interest Af	fected by Transaction:
I declare that I am a member of the following business, profession, occurrency, the members of which are affected by the transaction:		
	☐ I am able to participate in interest.	n this transaction fairly, objectively, and in the public
	☐ I did not participate in the	e transaction.
პ.	I do not have a personal in	nterested in any transactions taken at this meeting.
	1/2/00	S (///14
	Signature	

1.	Name:	Kenneth Nash
2.	Title:	Board Member
3.	Agency:	Board for Asbestos, Lead, & Home Inspectors
4.	Meeting/IFF Date:	May 1, 2014
5.	I have a personal interest in the	ne following transaction:
	Nature of Personal Interest Af	fected by Transaction:
I declare that I am a member of the following business, profession, occupation ogroup, the members of which are affected by the transaction:		
	☐ I am able to participate in interest.	n this transaction fairly, objectively, and in the public
	☐ I did not participate in the	e transaction.
6.	I do not have a personal in	nterested in any transactions taken at this meeting.
	Signature Signature	$\frac{5-1-14}{\text{Date}}$

1.	Name:	Walter C. Nixon
2.	Title:	Board Member
3.	Agency:	Board for Asbestos, Lead, & Home Inspectors
4.	Meeting/IFF Date:	May 1, 2014
5. I have a personal interest in the following transaction:		ne following transaction:
	Nature of Personal Interest Af	fected by Transaction:
		of the following business, profession, occupation or are affected by the transaction:
	I am able to participate in interest.	n this transaction fairly, objectively, and in the public
	☐ I did not participate in the	e transaction.
6.	☐ I do not have a personal i	nterested in any transactions taken at this meeting.
	Warc Marketter Signature	5/1/14 Date

1.	Name:	Peter D. Palmer	
2.	Title:	Board Member	
3.	Agency:	Board for Asbestos, Lead, & Home Inspectors	
4.	Meeting/IFF Date:	May 1, 2014	
5.	I have a personal interest in the	ne following transaction:	
	Nature of Personal Interest Affected by Transaction: I declare that I am a member of the following business, profession, occupation o group, the members of which are affected by the transaction:		
		n this transaction fairly, objectively, and in the public	
3.	☐ I do not have a personal in	nterested in any transactions taken at this meeting.	
	Signature	5/1/2014	

1.	Name:	D. Todd Vander Pol
2.	Title:	Board Member
3.	Agency:	Board for Asbestos, Lead, & Home Inspectors
4.	Meeting/IFF Date:	May 1, 2014
5.	I have a personal interest in the	ne following transaction:
	Nature of Personal Interest Af	ffected by Transaction:
		of the following business, profession, occupation or are affected by the transaction:
	☐ I am able to participate in interest.	n this transaction fairly, objectively, and in the public
	☐ I did not participate in the	e transaction.
6.	I do not have a personal in Signature	nterested in any transactions taken at this meeting. 5-/-/4 Date